IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.21692, 21861, 21927 and 22216 of 2003

1. **W.P.No.21692 of 2003**

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Between:

1 K.S.Sai Ram S/o Uma Maheshwar Rao
R/o West Godavari District.
2 K. Nageshwar Rao S/o Bapanaiah
R/o West Godavari District.
3 M. Venkateshwar Rao S/o Siva Satyanarayana
R/o West Godavari District.
4 K. Krishna S/o Satyanarayana
R/o West Godavari District.
5 G. Sundara Rao S/o Chanti Abbai
R/o West Godavari District.

...PETITIONERS

AND

1 A.P. State Road Transport Corporation, Rep. by its Managing Director,
Musheerabad, Hyderabad-20.
2 The Regional Manager, A.P. State Road Transport Corporation,
Eluru, West Godavari District.
3 The Depot Manager, A.P. State Road Transport Corporation,
Tanuku, West Godavari District.
4 The Depot Manager, A.P. State Road Transport Corporation,
Bheemavaram Depot, West Godavari District.
5 The Depot Manager, A.P. State Road Transport Corporation,

Narsapuram Depot, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the respondents and issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus declaring that (i) disengaging services an casual Conductors in so far as petitioner No.1, is concerned with effect from 11/10/03, by the 3rd respondent and (ii) proceedings No.E1/253(27)/03-BVRM, dated 07/10/03 disengaging services is Casual Conductors in so far as petitioner No.2 is concerned with effect from 7/10/03, by 4th respondent, (iii) Proceedings No.P2/255(3)/2003-NSP, dated 6/10/03 in respect of the 3rd and 4th petitioners disengaging their services by the 5th respondent with effect from 6/10/03 and (iv) Proceedings No.E1/255(27)/03-BVRM, dated 29/9/03 disengaging services as Casual Conductor in so far as petitioner No.5 is concerned with effect from 29/9/03 by 4th respondent, on the ground that consequent to transfer of junior-most Conductors from Krishna Region, by the 2nd respondent as arbitrary, illegal, unjust, contrary to law, discriminatory, in violation of principles of natural justice contrary to APSRTC Regulation and circulars amounts to unfair labour practice in violation of sections 25-F and 25-N of the Industrial Disputes Act, 1947 and also in violation of Articles 14 and 21 of the Constitution of India and grant all consequential benefits.

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR. R.MANMADHA REDDY, SC FOR APSRTC

2. W.P.NO.21861 of 2003

Between:

1 G.Srinivas S/o. Sreeramulu
O/o.Depot Manager, Bhimavaram, West Godavari Dist.
2 J.H.H.Prasad S/o. Krishna Rao
E.No. 700543 O/o.Depot Manager, Bhimavaram,
West Godavari District.
3 Ms.M.V.L.Kumar D/o. Suryanarayana Raju
E.No. 700544 O/o.Depot Manager, Bhimavaram,
West Godavari Dist.
4 V.Rama Subba Rao S/o.Satyanarayana
E.No. 700546 O/o.Depot Manager, Bhimavaram,
West Godavari Dist.
5 D.Durga Prasad Rao S/o. Jagannadham
E.No. 700554 O/o.Depot Manager, Bhimavaram,
West Godavari Dist.
6 S.S.Narayana S/o. Sreeramulu
E.No. 700692 O/o.Depot Manager, Tanuku,
West Godavari Dist.

7 R.S.Raju S/o. Sreeram Murthy
E.No. 700674 O/o.Depot Manager, Tanuku,
West Godavari Dist.
8 A.Ch.Shekar S/o. China Samuel
E.No.700648 O/o.Depot Manager, Narsapuram,
West Godavari Dist.

...PETITIONERS

AND

1 A.P. State Road Transport Corporation, Rep. by its Managing Director
Musheerabad, Hyderabad-20.
2 The Regional Manager A.P.S.R.T.C.,
Eluru Region Eluru, West Godavari District.
3 The Depot Manager A.P.S.R.T.C.,
Bheemavaram Depot, Bheemavaram, West Godavari District.
4 The Depot Manager A.P.S.R.T.C.,
Kovvour Depot, Kovvour,
West Godavari District.
5 The Depot Manager A.P.S.R.T.C.,
Narsapuram Depot, Narsapuram, West Godavari Distirict.
6 The Depot Manager A.P.S.R.T.C.,
Tanuku Depot Tanuku, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature writ of mandamus, declaring that the action of the respondents no. 2 to 6 in (i) proceedings No. P3/255(01)/03-RM-WG, dated 6-10-2003 (ii) proceedings No. P1/255(4) 03-TNK, dated 7-10-2003 (iii) proceedings No. P2/255/(3)/2003 NSP, dated 6-10-2003, issued by the respondent No. 2 to 6 , disengaging services of petitioners ass casual conductor, on the ground that consequent to transfer of junior most conductors from Krishna Region, by the 2nd respondent as arbitrary, illegal, unjust, contrary to law, discriminatory , in violation of principles of natural justice, contrary to APSRTC regulations and circulars, amount to unfair labour practice, in violation of Section 25-F and 25-N of the Industrial Dispute Act, 1947 and also violation of Article 14 and 21 of the Constitution of India, and grant all consequential benefits.

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.VENKATESWARLU POSANI

3. W.P.NO.21927 of 2003

Between:

1 Mrs. S. Chandrakala, W/o. Pushkant Rao,
R/o. West Godavari District.

2 Mrs. K. Mariyamma, W/o. Appa Rao,
R/o. West Godavari District.
3 S.Srihari, S/o. Venkataramana,
R/o. West Godavari District.
4 A.Raju, S/o. Raja Rao,
R/o. West Godavari District.
5 K.Papa rAo, S/o. Yohan,
R/o. West Godavari District.
6 G.S.Narayana, S/o. Makkaiah,
R/o. West Godavari District. (CT of Petitioner No. 6 amended as per Court Order dt. 30-10-2003 in WPMP 28487/03)
7 V.Ch.S.Narayana, S/o. Venkatratnam,
R/o. West Godavari District. (CT of Petitioner No. 7 amended as per Court Order dt. 30-10-2003 in WPMP 28487/03)
8 D.Srinivasa Rao, S/o. Simhachalam,
R/o. West Godavari District.

...PETITIONERS

AND

1 A.P. State Road Transport Corporation, Rep. by its Managing Director,
Musheerabad, Hyderabad.
2 The Regional Manager, A.P.S.R.T.C.,
West Godavari Region, Eluru,
West Godavari District.
3 The Depot Manager, A.P.S.R.T.C.,
Narsapuram Depot, Narsapuram,
West Godavari District.
4 The Depot Manager, A.P.S.R.T.C.,
Bheemavaram Depot, Bheemavaram,
West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the action of respondents No. 2 to 4 in (i) Proceedings No. P3/255/(13)2003-RM-WG dated 07/10/2003, (ii) Proceedings No. E2/255(3)2003-NSP, dated 7.10.2003 and iii) Proceedings No. E1/255(27)03-BVRM dated 7.10.2003, disengaging services of petitioners as Casual Conductor, on the ground that consequent to transfer of junior mist conductors from Krishna Region, by the 2nd Respondent as arbitrary, illegal, unjust, contrary to law, discriminatory, in violation of principles of natural justice, contrary to APSRTC Regulations and Circulars amounts to unfair labour practice, in violation of sections 25-F and 25-N of the Industrial Disputes Act, 1947 and also in violation of Art. 15 and 21 of the Constitution of India, and grant all consequential benefits.

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.VENKATESWARLU POSANI

4.W.P.NO.22216 of 2003

Between:

1 P.Srinivasa Rao, S/o Venkateshu
R/o West Godavari District.
2 Ms.J.Nirmala Kumari, D/o Achutha Rao
R/o West Godavari District.
3 Mrs.M.Manga Devi, W/o Srinivas Rao
R/o West Godavari District.

...PETITIONERS

AND

1 The Regional Manager, A.P.S.R.T.C., West Godavari Region,
Eluru, West Godavari District.
2 The Depot Manager, A.P.S.R.T.C.,Tanuku Depot,
Tanuku, West Godavari District.
3 The Depot Manager, A.P.S.R.T.C.,Kovvuru Depot,
Kovvuru, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the action of the respondents in (i) proceedings No.(i) P3/255(13)/2003-RM-WG, dated 7-10-2003 and (ii) proceedings No.P1/255(4)/03-TNK, dated 3-10-2003 and (iii) proceedings No.E1/255(40)/2003-KVR, dated 8-10-2003, disengaging services of petitioners as Casual Conductors, on the ground that consequent to transfer of junior-most Conductors from Krishna Region, by the 1st respondent as arbitrary, illegal, unjust, contrary to law, discriminatory, in violation of principles of natural justice, contrary to A.P.S.R.T.C. Regulations and Circulars, amounts to unfair labour practice, in violation of Sections 25-F and 25-N of the Industrial Disputes Act, 1947 and also in violation of Articles 14 and 21 of the Constitution of India and grant all consequential benefits.

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.R.MANMADHA REDDY, SC FOR APSRTC

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.21692, 21861, 21927 and 22216 of 2003

COMMON ORDER:

Heard the learned counsel for the petitioners and also Sri R.Manmadha Reddy, the learned standing counsel for the respondents-Corporation.

At the request from both sides, the main Writ Petition itself is taken up for disposal.

The petitioners in all these cases are conductors, who were appointed, though under the regular process of appointment as initiated by the respondent-Corporation, complaining that their services are being disturbed frequently and they were also being sought to be removed by bringing outsiders from the Krishna District, which is wholly unsustainable and hence, the present Writ Petition is filed.

During the course of arguments, the counsel on either sides submitted that in the similar circumstances, this Court disposed of Writ Petition Nos.25973 of 2003 and batch on 16.09.2004 with regard to the question as to whether an outsider can be brought into service, with certain directions to continue the petitioners in service, especially holding that the candidates from the concerned unit are having more preference than those who come from other region.

Following the same, these Writ Petitions are also allowed. No order as to costs.

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(B.PRAKASH RAO, J)

4th February 2005

RRB

That Rule Nisis have been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the fourth day of February 2005.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1 The Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad-20.
2 The Regional Manager, A.P. State Road Transport Corporation,

Eluru, West Godavari District.

3 The Depot Manager, A.P. State Road Transport Corporation,
Tanuku, West Godavari District.

4 The Depot Manager, A.P. State Road Transport Corporation,
Bheemavaram Depot, West Godavari District.

5 The Depot Manager, A.P. State Road Transport Corporation,
Narsapuram Depot, West Godavari District.

6 The Depot Manager A.P.S.R.T.C.,
Kovvour Depot, Kovvour,
West Godavari District.

7 Two CD copies.